



To the Honorable Council  
City of Norfolk, Virginia

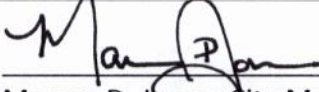
July 19, 2016

From: George M. Homewood, FAICP, CFM, Planning Director

Subject: **Pedestrian Commercial Overlay (PCO) Development Certificate waiver to erect a new sign structure within the Pedestrian Commercial Overlay District (PCO-21<sup>st</sup>) larger than what is currently permitted within the standards of the PCO-21<sup>st</sup> district at 222 W. 21<sup>st</sup> Street – 21<sup>st</sup> Street Pavilion Shops**

Reviewed:   
Ronald H. Williams, Jr., Deputy City Manager

Ward/Superward: 2/6

Approved:   
Marcus D. Jones, City Manager

Item Number: **R-2**

**I. Staff Recommendation: Denial.**

**II. Commission Action: By a vote of 5 to 1, the Planning Commission recommends Denial.**

- Majority voted for denial based on the concerns that no effort had occurred to reduce the degree of nonconformity and that certain sites have larger signage than others outside of the rules of the PCO. The majority preferred that if larger signs were desired by GBA and others, that the PCO rules be amended to allow for them.
- Minority voted for approval based on the support of the Ghent Business Association and because the proposed sign would not be larger than the existing sign.

**III. Request: PCO-21<sup>st</sup> Street Development Certificate waiver**

**IV. Applicant: 21<sup>st</sup> Street Pavilion Shops**

**V. Description:**

- The site is located along the north side of W. 21<sup>st</sup> Street within The 21<sup>st</sup> Street Pavilion Shops, which is midblock between Llewellyn Avenue and Omohundro Avenue.
- A Development Certificate is required for any development or substantial renovation within the PCO, this includes the partial reconstruction of a sign.
  - The existing sign was constructed prior to the adoption of the PCO-21<sup>st</sup> Street requirements and does not conform to the size or height requirements.
  - In the case of nonconforming signs, the expectation is that normal wear and tear will lead to replacement or substantial renovation as is the case here.
  - When that occurs, the nonconforming elements should be brought into conformance – entirely whenever possible, but at least to some extent when full conformity cannot be reasonably achieved.

- In this case, no effort has been made to reduce the degree of nonconformity.

**VI. Historic Resources Impacts**

The site is not located within a federal, state, or local historic district.

Staff point of contact: Matthew Simons at 664-4750, [matthew.simons@norfolk.gov](mailto:matthew.simons@norfolk.gov)

**Attachments:**

- Proponents and Opponents
- Staff Report to CPC dated June 23, 2016 with attachments
- Letter of support – Ghent Business Association
- Ordinance



**City Planning Commission: June 23, 2016**

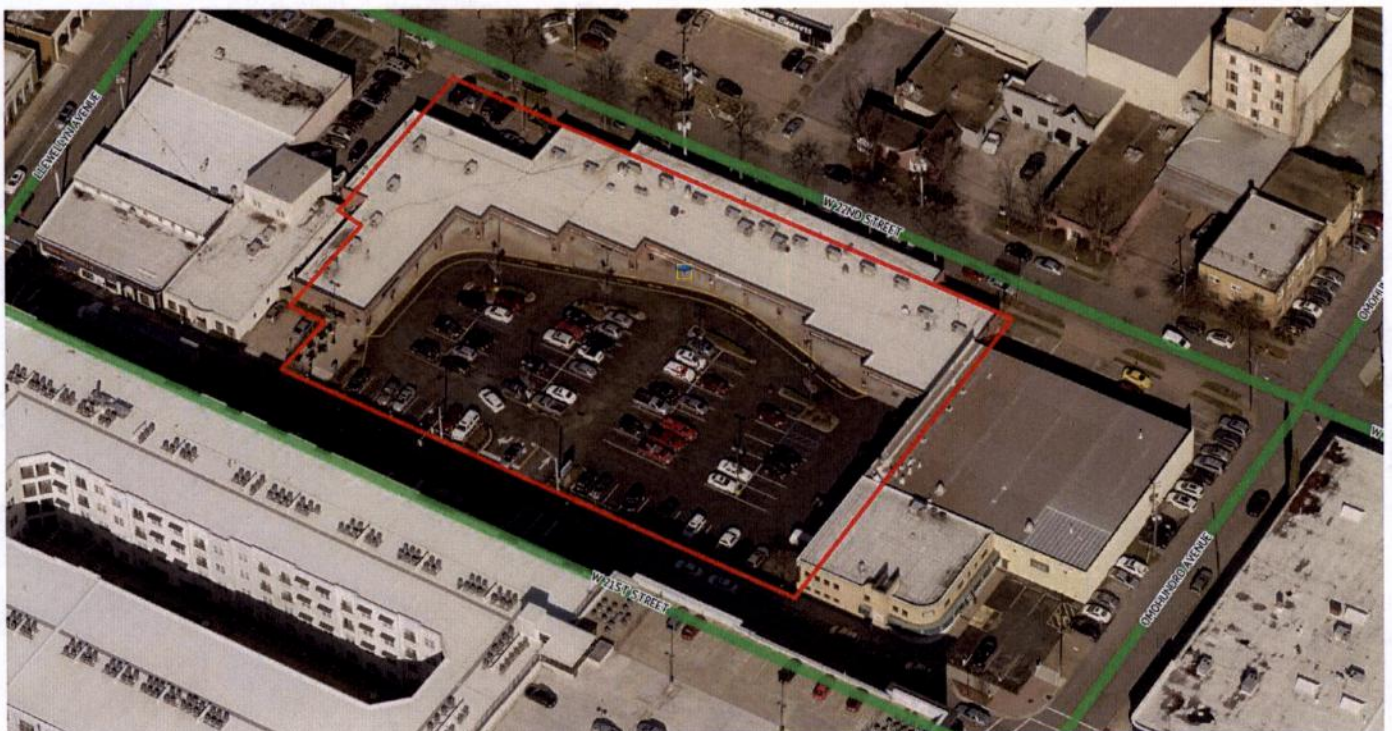
Executive Secretary: George M. Homewood, FAICP, CFM

Staff: Matthew Simons, AICP, CZA, CFM

*JS*

*MS*

Staff Report	Item No. <b>D-1</b>	
Address	<b>222 West 21<sup>st</sup> Street</b>	
Applicant	<b>21<sup>st</sup> Street Pavilion Shops</b>	
Request	<b>Development Certificate</b>	<b>New sign structure within the Pedestrian Commercial Overlay District (PCO-21<sup>st</sup>)</b>
Property Owner	Twenty-First St Development, LLC	
Site Characteristics	Site/Building Area	71,142 sq. ft./23,427 sq. ft.
	Future Land Use Map	Commercial
	Zoning	C-2 (Corridor Commercial) & PCO-21 <sup>st</sup> districts
	Neighborhood	Ghent
	Character District	Traditional
Surrounding Area	North	I-1 (Limited Industrial): Albano Cleaners
	East	C-2 & PCO-21 <sup>st</sup> : S. Ray Barrett Cleaners
	South	C-2 & PCO-21 <sup>st</sup> : 201 Twenty-One apartments with ground floor retail
	West	C-2 & PCO-21 <sup>st</sup> : Dog and Cat Hospital





#### A. Summary of Request

- The site is located along the north side of W. 21<sup>st</sup> Street within The 21<sup>st</sup> Street Pavilion Shops, which is midblock between Llewellyn Avenue and Omohundro Avenue.
- The proposal is for a PCO Development Certificate for a new sign.
  - The new sign would replace an existing monument sign on the site.

#### B. Plan Consistency

- Within the Creating and Maintaining Healthy and Vibrant Neighborhoods chapter of *plaNorfolk2030*, one of the goals applicable to this area reiterates the purpose statement of the PCO:
  - *PCO zoning districts encourage the location of specialty retail, entertainment, and restaurant uses in concentrations and to a scale that encourages pedestrian movement.*
- A freestanding sign at the size and height proposed is not within a scale that encourages pedestrian movement, but instead it functions on an automobile-oriented scale, more appropriate for corridors with automobile traffic traveling at higher speeds.
- Thus the sign as proposed is not consistent with the PCO purpose statement nor with *plaNorfolk2030*.

#### C. Zoning Analysis

##### i. General

- A Development Certificate is required for any development or substantial renovation within the PCO, this includes the partial reconstruction of a sign.
  - The existing sign was constructed prior to the adoption of the PCO-21<sup>st</sup> Street requirements and does not conform to the size or height requirements.
  - Monument signs are permitted in the 21<sup>st</sup> Street PCO with a maximum square footage of 32 square feet and a maximum height of six feet.
  - The existing sign is 58 square feet and 13.5 feet tall and is nonconforming.
  - The applicant proposes to replace the actual sign portion with one that also has 58 square feet, and would perpetuate the nonconformity.
  - The base of the sign would remain unchanged, keeping the overall height at 13.5 feet tall, which is also perpetuating the nonconformity.
- As a general principle of planning and zoning, nonconforming uses and structures are expected to diminish or be abated over time as attrition, reconstruction and maintenance occurs.
  - In the case of nonconforming signs, the expectation is that normal wear and tear will lead to replacement or substantial renovation as is the case here.
  - When that occurs, the nonconforming elements should be brought into conformance – entirely whenever possible, but at least to some extent when full conformity cannot be reasonably achieved.
  - In this case, no effort has been made to reduce the degree of nonconformity.

ii. Parking  
N/A

iii. Flood Zone  
N/A

**D. Transportation Impacts**  
N/A

**E. Historic Resources Impacts**  
The site is not located within a federal, state, or local historic district.

**F. Public Schools Impacts**  
N/A

**G. Environmental Impacts**  
None

**H. AICUZ Impacts**  
None

**I. Surrounding Area/Site Impacts**  
Given that the Pavilion Shops are located in a portion of the PCO that has undergone substantial pedestrian-oriented changes since the shopping center was originally developed, granting the development certificate waiver will have a negative effect on the surrounding area, which has evolved into a public realm within a pedestrian scale.

**J. Payment of Taxes**  
The owner of the property is current on all real estate taxes.

**K. Civic League**

- Notice was sent to the Ghent Neighborhood League and Ghent Business Association on May 5.
- A Letter of support was received from the Ghent Business Association.

**L. Recommendation**

- Staff recommends **denial** of the PCO Development Certificate waiver, since the proposal is not in conformity with the PCO-21<sup>st</sup> Street requirements and no effort has been made to bring the sign into conformance with regards to either square footage or height.
- Should the PCO Development Certificate waiver be approved, staff recommends that the approval be subject to the following condition:

### **PCO-21<sup>st</sup> Street Development Certificate**

- (a) The sign shall be generally designed in accordance with the attachment prepared by Cardinal Sign Corp., dated March 31, 2016, attached hereto and marked as "Exhibit A," subject to any revisions required by the City to be made during the building permit plan review process.

#### **Attachments**

Location Map

Zoning Map

Application

Notice to the Ghent Neighborhood League and Ghent Business Association

Letter of support from the Ghent Business Association



## **Proponents and Opponents**

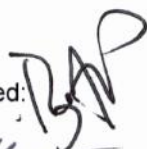
### **Proponents**

Richard Levin – Applicant/Property Owner  
610 Pembroke Avenue  
Norfolk, VA 23507

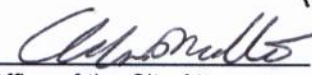
Norma Dorey – Applicant/Property Owner  
710 W. 21<sup>st</sup> Street  
Norfolk, VA 23517

### **Opponents**

None

Form and Correctness Approved: 

Contents Approved: 

By   
Office of the City Attorney

By   
DEPT.

NORFOLK, VIRGINIA

## ORDINANCE No.

AN ORDINANCE GRANTING A PEDESTRIAN COMMERCIAL OVERLAY DISTRICT DEVELOPMENT CERTIFICATE TO PERMIT THE RENOVATION OF AN EXISTING, NONCONFORMING SIGN ON PROPERTY LOCATED AT 222 WEST 21 STREET.

- - -

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1: - That a Pedestrian Commercial Overlay District (PCO) Development Certificate is hereby granted to permit the renovation of an existing, nonconforming sign on property located at 222 West 21<sup>st</sup> Street. The property to which this PCO Development Certificate applies is more fully described as follows:

Property fronts 300 feet, more or less, along the northern line of East 21<sup>st</sup> Street beginning 125 feet, more or less, from the western line of Omohundro Avenue and extending westwardly; property also fronts 335 feet, more or less, along the southern line of West 22<sup>nd</sup> Street; premises now or formally known as the "21<sup>st</sup> Street Pavilion Shops" and numbered 222 West 21<sup>st</sup> Street.

Section 2:- That the PCO Development Certificate granted hereby shall be subject to the following condition:

- (a) Any subsequent changes made to the project, as described in the staff report and as approved through this development certificate process, shall be reviewed as an amendment to the development certificate.

Section 3:- That the Council expressly finds that waivers from the requirements of § 11-21.3(h) of the Zoning Ordinance of the City of Norfolk, 1992, (as amended) regarding development standards for signs are appropriate because the application submitted, while not strictly in accord with certain general regulations, meets public purposes, is not contrary to planning principals contained in the adopted Downtown Norfolk Plan or general plan and provides public protection to an equivalent or



greater degree, and because, in the particular circumstances of the case, strict application of these regulations is not necessary for the accomplishment of public purposes or the provision of public protection at this time or in the future; wherefore such waivers are hereby granted.

Section 4:- That this ordinance shall be in effect from the date of its adoption.



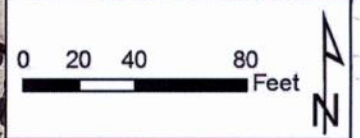
Location Map

W 22ND STREET

21ST STREET PAVILION SHOPS

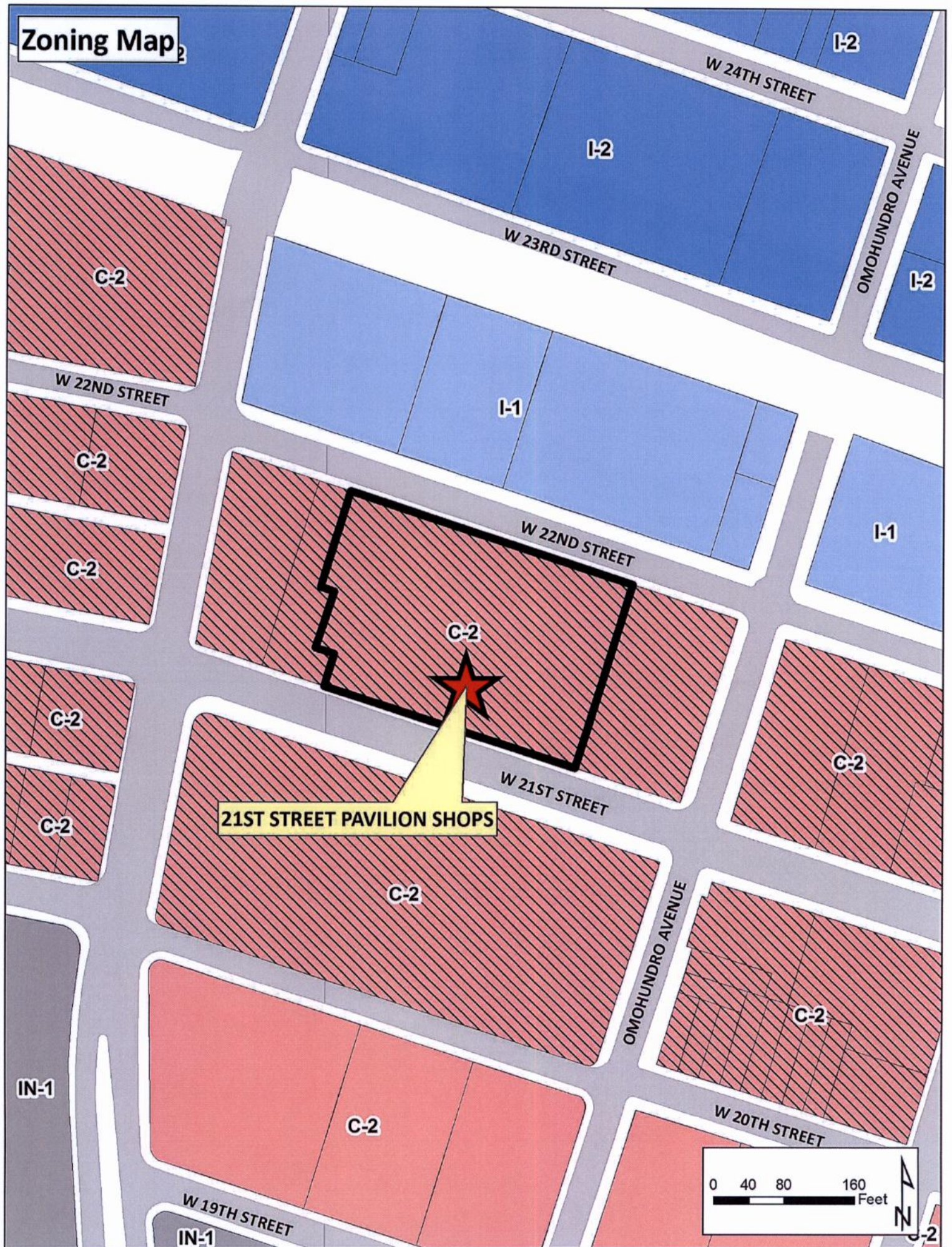
W 21ST STREET

W DRO AVENUE





# Zoning Map







**APPLICATION**  
**Pedestrian Commercial Overlay Development Certificate**

Date of application: 5-4-16

**DESCRIPTION OF PROPERTY**

Proposed Location of Property: Street Number 222 (Street Name) 21<sup>ST</sup>

Zoning Classification: C-2/PCO-21st Street

Existing Use of Property: Shopping Center w/freestanding sign

Current Building Square Footage N/A

Proposed Use New freestanding sign

Trade Name of Business (If applicable) Twenty-First St Pavilion Shops

**APPLICANT/ PROPERTY OWNER**

1. Name of applicant: (Last) Dorey (First) Arma (MI) J

Mailing address of applicant (Street/P.O. Box): 710 W 21<sup>ST</sup>

(City) Norfolk (State) VA (Zip Code) 23517

Daytime telephone number of applicant (757) 289-5191 Fax (757) 622-3748

E-mail address of applicant: ASDorey@Aol.com

2. Name of property owner: (Last) Levin (First) Richard (MI)

Mailing address of property owner (Street/P.O. box):

(City) Norfolk (State) VA (Zip Code) 23517

Daytime telephone number of owner (757) 630-2342 Fax number ( )

**DEPARTMENT OF CITY PLANNING**

810 Union Street, Room 508

Norfolk, Virginia 23510

Telephone (757) 664-4752 Fax (757) 441-1569

(Revised December, 2014)



**REQUIRED ATTACHMENTS**

- Check for **\$5** made payable to Treasurer, City of Norfolk,
- **If waivers are requested**, additional analysis will be needed; which will require an additional fee of **\$100**.
- Description and details of proposal.
- Two 8½ x 14 inch copies of a survey or site plan drawn to scale showing:
  - Existing and proposed building structures
  - Driveways
  - Parking
  - Landscaping
  - Physical and architectural relationships to surrounding development
  - Location, access, and egress, and site design of parking serving the principal use(s)
  - Pedestrian circulation on and near the site, including pedestrian connections between the designated parking and principal use(s)
  - Location and character and continuity of any open space and landscaping on the site.
  - Location and dimensions of onsite signage
  - Please provide the names and addresses of all professional consultants advising the applicant in the proposed development

**CERTIFICATION:**

**I hereby submit this complete application and certify the information contained herein is true and accurate to the best of my knowledge:**

Print name: Richard Levine Sign: Norma Dorey / 5 / 4-16  
(Property Owner or Authorized Agent Signature) (Date)

Print name: Norma J. Dorey Sign: AA / 5 / 4-16  
(Applicant or Authorized Agent Signature) (Date)

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**CIVIC LEAGUE INFORMATION**

Civic League contact: GBA

Date(s) contacted: \_\_\_\_\_

Ward/Super Ward Information: \_\_\_\_\_

**CRITERIA FOR REVIEW**

Please provide the following information:

- (a) Use characteristics of the proposed development, including the types of ground-floor active uses and activity continuity along the street front.

N/A

- (b) Location and adequacy of off-street parking and loading provisions, including desirability of bicycle parking.

N/A

- (c) Architectural relationships, both formal and functional, of the proposed development of both surrounding buildings and the public right-of-way, including siting, massing, proportion, and scale.

\_\_\_\_\_

- (d) Suitability of signs, landscape, lighting, and other site or building features in relations to the existing or planned public improvements in the district.

\_\_\_\_\_  
\_\_\_\_\_

*Due to the property being set back from the street the sign would enable us (the landlord) to provide more visibility for the tenants in the center. We can upgrade to low voltage LED cabinet.*

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(Revised December, 2014)





21<sup>st</sup> Street  
Pavilion

LEASING INFORMATION  
289-5191 or 639-2342

NOW LEASING  
797-321-6411





PROPERTY OF



2629 Dean Drive  
Virginia Beach, Va. 23452

Phone:  
(757) 486-3412

Fax:  
(757) 486-7658

E-Mail:  
MBALDWIN@  
CARDINALSIGN.COM

Client:  
21st Street  
Pavilion

Sign Location:  
710 W 21st St  
Norfolk VA

Design No.:  
26009-R3c

Designer:  
kd

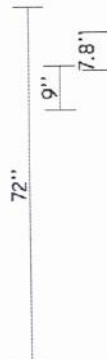
Salesman:  
Mike Baldwin

Scale:  
3/8"=1'-0"

Date:  
3-31-16

Customer Approval:

Signature  
Date



OPTION B: NEW D/F SIGN CABINET  
- TOP FACE TO BE EMBOSSSED  
- TENANTS TO BE PANFORMED  
W/ VINYL GRAPHICS

## Simons, Matthew

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**From:** Straley, Matthew  
**Sent:** Thursday, May 05, 2016 10:16 AM  
**To:** 'Emily Birknes'; 'info@ghentva.org'; 'ted@nusbauminsurance.com'  
**Cc:** Simons, Matthew  
**Subject:** new 21st Street PCO Development Certificate application  
**Attachments:** PCO Dev Certificate.pdf

Ms. Birknes and Mr. Enright,

Attached please find the application to grant a development waiver for a 21<sup>ST</sup> Street Pedestrian Commercial Overlay (PCO-21<sup>st</sup> Street) development certificate to permit a substantial renovation of an existing, nonconforming sign at the 21<sup>st</sup> Street Pavilion Shops located at 222 West 21<sup>st</sup> Street.

The item is tentatively scheduled for the May 26, 2016 Planning Commission public hearing.

Staff contact: Matt Simons at (757) 664-4750, [matthew.simons@norfolk.gov](mailto:matthew.simons@norfolk.gov)

Thank you.

Matthew Straley  
GIS Technician II

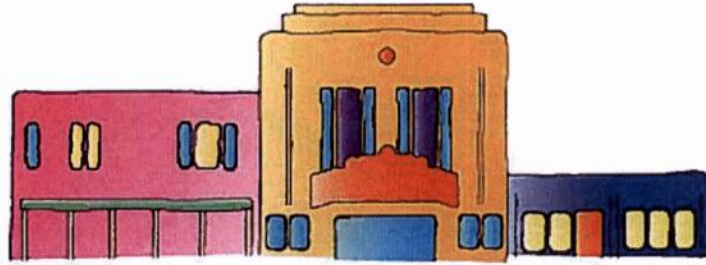


City Planning  
810 Union Street, Suite 508  
Norfolk, VA 23510  
757-664-4769

Connect with us:  
[www.norfolk.gov](http://www.norfolk.gov)







**Ghent Business Association**

May 24, 2016

City Council  
City of Norfolk  
City Hall  
Norfolk, VA 23510

To whom it may concern,

The GBA would like to express its support for the upgrades proposed for the sign at 21<sup>st</sup> Street Pavilion (Norma Dorey).

Sincerely,

Ted Enright  
Corresponding Secretary  
Development Committee Chairman  
Ghent Business Association